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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,

Plaintiff,

No. 2: 11-cv-2462 KJM KJN P

vs.

MATTHEW CATE, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with this civil rights action seeking relief pursuant to 42 U.S.C. § 1983.

On March 2, 2012, plaintiff filed a motion for leave to amend his complaint. Plaintiff's motion was not, however, accompanied by a proposed amended complaint. As a litigant proceeding in forma pauperis, plaintiff's pleadings are subject to evaluation by this court pursuant to the in forma pauperis statute. See 28 U.S.C. § 1915. Because plaintiff did not submit a proposed amended complaint, the court is unable to evaluate it. Plaintiff's motion for leave to amend must therefore be denied.

On March 2, 2012, plaintiff submitted seven copies of his second amended complaint necessary to effect service. By separate order, the undersigned directs the U.S. Marshal to serve the second amended complaint.

